

## ENVIRONMENTAL PROTECTION COMMISSION[567]

### Notice of Intended Action

#### **Proposing rule making related to criminal convictions and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 272C.10 and 455B.212.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 272C.1(6)“x,” 272C.10(5) and 455B.213.

#### *Purpose and Summary*

This proposed rule making seeks to align Chapter 81 with Iowa Code chapter 272C as amended by 2020 Iowa Acts, House File 2627, division I (effective January 1, 2021). Iowa Code chapter 272C regulates certain licensed or certified professions, including water treatment operators in Iowa Code section 272C.1(6)“x.” Previously, Iowa Code section 272C.10(5) held that a felony conviction was grounds for the revocation or suspension of a certification so long as the felony was directly related to the profession. Chapter 81 was consistent with this standard.

House File 2627 expanded the law. Now, a directly related lesser criminal conviction which is from a different state, territory, or country which if committed in Iowa would be a felony is also grounds for revocation or suspension. The Commission is proposing to amend Chapter 81 to reflect this change. No other amendments are proposed.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

#### *Waivers*

This rule making adopts statutory provisions. Pursuant to Iowa Code section 17A.9, no waiver of these rules is allowed.

#### *Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 17, 2021. Comments should be directed to:

Noah Poppelreiter  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [noah.poppelreiter@dnr.iowa.gov](mailto:noah.poppelreiter@dnr.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend paragraph **81.17(1)“h”** as follows:

*h.* ~~Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.~~ criminal offenses directly related to the profession or occupation of the operator, consistent with Iowa Code sections 272C.1(8) and 272C.10(5).